

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC HENRIKSEN,

Plaintiff,

Case No. 05-60214

v.

Hon. John Corbett O'Meara

WOLPOFF & ABRAMSON LLP,

Defendant.

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ORDER OF PARTIAL DISMISSAL

On September 9, 2005, Plaintiff filed a two-count complaint in this action alleging violations of the Fair Debt Collection Practices Act (Count I) and the Michigan Debt Collection Practices Act (Count II). Plaintiff does not allege that diversity jurisdiction exists. Although Count I is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present a claim based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claim so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Count II of Plaintiff's complaint is
DISMISSED.

s/John Corbett O'Meara

John Corbett O'Meara
United States District Judge

Dated: October 19, 2005